

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

SANTORO, *et al.*,

Defendants.

Case No. 1:20-cv-01038-DAD-BAM (PC)

Appeal No. 20-17444

ORDER DENYING PLAINTIFF'S MOTION
TO PROCEED *IN FORMA PAUPERIS* ON
APPEAL AS MOOT

(ECF No. 24)

Plaintiff Guillermo Trujillo Cruz ("Plaintiff"), is a state prisoner who proceeded *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 18, 2020, the District Judge dismissed this action without prejudice due to Plaintiff's failure to pay the filing fee and failure to obey a Court order. (ECF No. 15.) Judgment was entered accordingly the same date. (ECF No. 16.)

On December 15, 2020, Plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals. (ECF No. 17.) On February 16, 2021, the Ninth Circuit issued an order dismissing the appeal. (ECF No. 20.) The Ninth Circuit issued its mandate on March 11, 2021. (ECF No. 23.)

Currently before the Court is Plaintiff's motion requesting a form for leave to appeal *in forma pauperis*, which the Court construes as a motion to proceed *in forma pauperis* on appeal, filed June 14, 2021. (ECF No. 24.) As stated above, Plaintiff's appeal was dismissed by the Ninth Circuit on February 16, 2021, and the mandate was issued on March 11, 2021. (ECF Nos.

20, 23.) As such, there is no pending appeal of this action, and Plaintiff's motion to proceed *in forma pauperis* on appeal, (ECF No. 24), is HEREBY DENIED as moot. This action remains closed.

IT IS SO ORDERED.

Dated: June 16, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE